

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TRAXXAS, L.P.,**

*Plaintiff,*

**v.**

**SUNNY DAYS ENTERTAINMENT,  
LLC,**

*Defendant.*

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**Civil Action No. 2:18-cv-35-JRG**

**JURY TRIAL DEMANDED**

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**JOINT NOTICE OF MEDIATOR SELECTION**

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COME NOW Plaintiff Traxxas, L.P. (“Plaintiff” or “Traxxas”) and Defendant Sunny Days Entertainment, LLC (“Defendant” or “Sunny Days”) (collectively, the “Parties”) hereby file this Joint Notice of Mediator Selection, and in support thereof would show the Court as follows:

The Parties appeared before the Court on April 24, 2018, at which point the Court ordered that the Parties attempt to agree upon a mediator, and file a notice with the Court by April 27, 2018. The parties were unable to agree to a mediator for this dispute.

**TRAXXAS’S SEPARATE STATEMENT**

Traxxas believes that Sunny Days’s listing of mediators proposed by the parties is contrary to the Court’s general practice that “[t]he parties should not file a list of mediators to be considered by the Court.” Sample Docket Control Order for Patent Cases Assigned to Judge Rodney Gilstrap and Judge Roy Payne, at 4.

### **SUNNY DAYS'S SEPARATE STATEMENT**

In an effort to show cooperation and compliance with the Court's Order, Sunny Days proposed any of the following individuals as potential mediators:

1. Alan Albright: <https://bracewell.com/people/alan-albright>
2. Karl Bayer: <http://www.karlbayer.com/index.html>
3. Hon. Harlan Martin: <https://www.jamsadr.com/harlan-martin/>
4. Hon. Robert Faulkner: <https://www.jamsadr.com/faulkner/>
5. Gordon Arnold: [https://www.arnoldsanders.com/child\\_2/bio\\_gta.htm](https://www.arnoldsanders.com/child_2/bio_gta.htm)
6. Gary McGowan: <http://www.acctm.org/gmcgowan/>
7. Tommy Proctor: <http://www.nadn.org/tommy-proctor>
8. Harrie Samaras: <http://www.harriesamaras.com/about-menu/bio/>
9. Kevin Casey: <https://www.stradley.com/professionals/c/casey-kevin-r>
10. Pamela Cox: <https://www.marshallip.com/pamela-l-cox/>
11. Michael Young: <https://www.judicategwest.com/adr/michael-young>
12. Hon. John Wagner: <https://www.judicategwest.com/adr/john-wagner>

In response, Traxxas proposed the following individual as a potential mediator:

1. Hon. David Folsom: <https://www.jw.com/people/david-folsom/>

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that the Court appoint a mediator of the Court's choosing in this action.

Dated: April 27, 18

By: /s/ Matthew C. Cox

Matthew C. Cox

TN BPR 028212

(Admitted to practice in the Eastern District of Texas)

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*Sunny Days Entertainment, LLC*

Respectfully submitted,

By: /s/ William E. Davis, III

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*Traxxas, LP*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), any counsel of record not deemed to have consented to electronic service are being served with a true and correct copy of the foregoing by email on this April 27, 18.

/s/ William E. Davis, III  
William E. Davis, III